

**LYNCHBURG CITY COUNCIL  
Agenda Item Summary**

MEETING DATE: **September 14, 2004**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 229, 239 & 329 Breezewood Dr., Heritage Baptist Church**

RECOMMENDATION: Approval of the requested Conditional Use Permit.

SUMMARY: Heritage Baptist Church is petitioning for a Conditional Use Permit at 229, 239, & 329 Breezewood Dr. to allow the expansion of an existing parking lot, in an R-3, Two-Family Residential District. The Planning Commission recommended approval of the CUP because:

- The petition agrees with the *Comprehensive Plan* which recommends Community Commercial land uses for this area. A church is compatible with this land use.
- Petition agrees with the Zoning Ordinance in that a church is a permitted use in an R-3, Two-Family Residential District upon approval of a Conditional Use permit by the City Council.

PRIOR ACTION(S):

August 25, 2004: Planning Division recommended approval of the CUP.  
Planning Commission recommended approval 5-0 (with 2 members absent) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the site plan prepared by Hurt & Proffitt, Inc., date June 28, 2004.
2. The parking lot will be buffered with vegetation on three sides: east, south, and west. Cleared areas will be landscaped after the site is stabilized, with a mixture of deciduous and evergreen trees.
3. Any lighting installed in the parking lot will be non directional and glare shielded.
4. The applicant will work with Planning Division staff to reduce the size of the stormwater detention facility through the use of low impact development techniques.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902  
Tom Martin / 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Land Use
- Site plans
- Speaker Sign Up Sheet

REVIEWED BY: lkp

## RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO HERITAGE BAPTIST CHURCH FOR USE OF THE PROPERTY AT 229, 239 AND 329 BREEZEWOOD DRIVE TO ALLOW THE EXPANSION OF AN EXISTING PARKING LOT, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Heritage Baptist Church for a Conditional Use Permit at 229, 239 and 329 Breezewood Drive to allow the expansion of an existing parking lot be, and the same is hereby, approved, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan prepared by Hurt & Proffitt, Inc., date June 28, 2004.
2. The parking lot will be buffered with vegetation on three sides: east, south, and west. Cleared areas will be landscaped after the site is stabilized, with a mixture of deciduous and evergreen trees.
3. Any lighting installed in the parking lot will be non directional and glare shielded.
4. The applicant will work with Planning Division staff to reduce the size of the stormwater detention facility through the use of low impact development techniques.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

125L

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** August 25, 2004  
**Re:** **CONDITIONAL USE PERMIT (CUP): Heritage Baptist Church, 229, 239, and 329 Breezewood Drive**

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**I. PETITIONER**

F. Gerald Kroll, Senior Pastor, Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

**Representative:** James J. Vernon, Craddock Cunningham Architectural Partners, 10 Ninth Street, Lynchburg, VA 24504

**II. LOCATION**

The subject property is a tract of about 60.26 acres located at 219 Breezewood Drive.

**Property Owners:** Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

**III. PURPOSE**

The purpose of this petition is to allow expansion of an existing parking lot.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which recommends Community Commercial land uses for this area. A church is compatible with this land use.
- Petition agrees with the Zoning Ordinance in that a church is permitted in an R-3, Two-Family Residential district, with City Council approval of a Conditional Use Permit.
- Petition proposes the expansion of an existing parking lot, with a stormwater detention pond.

**The Planning Division recommends approval of the CUP petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Community Commercial land use for this area, with an Institutional designation for the church. A church is compatible with Community Commercial land uses.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Two-Family Residential, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed parking additions.
4. **Surrounding Area.** There have been 19 items requiring City Council approval in the immediate area. The first ten listed are for Heritage Baptist Church and the remaining nine are for other properties:

Heritage Baptist Church

5/10/83: The City Council approved a CUP for a tent revival.

5/14/85: The City Council approved a CUP for construction of an educational wing and offices.

12/8/87: The City Council approved a CUP for construction of a multipurpose building and additional parking.

7/10/90: The City Council approved a CUP for construction of a classroom building.

1/14/92: The City Council approved a CUP for installation and usage of a modular classroom unit and additional parking.

2/9/93: The City Council approved a CUP for expansion of the existing church complex.

10/12/93: The City Council approved a CUP for amendment of the master plan to allow two additional classroom trailers.

4/12/94: The City Council approved a CUP for amendment of the master plan to allow construction of additional classroom space.

5/12/98: The City Council approved a CUP to amend the master plan.

4/13/99: The City Council approved a CUP to amend the master plan.

#### Other Rezoning & CUPs in the Area

2/12/80: The City Council approved a CUP for the Church of God at 512 Breezewood Drive.

9/28/82: The City Council approved a CUP for construction of an auto service station at 2501 Lakeside Drive.

9/8/92: The City Council approved a CUP for to allow New Covenant Schools to use existing facilities for a school at 512 Breezewood Drive.

10/11/94: The City Council approved a rezoning from R-3 to B-1(C) to allow construction of a funeral home and parking at 220 Breezewood Drive.

6/9/98: The City Council approved a rezoning from R-4 to B-5(C) to allow expansion of an outdoor storage area for Southern Air at 2655 Lakeside Drive.

10/13/98: The City Council approved a CUP for construction of a single bay car wash at 2625 Lakeside Drive.

2/9/99: The City Council approved a series of rezonings from R-1 to R-3(C) and R-1 to R-4(C) to allow construction of a Planning Unit Development at 527 Breezewood Drive.

2/9/99: The City Council approved a CUP for construction of a Planned Unit Development at 527 Breezewood Drive.

4/25/2000: The City Council approved a rezoning from R-3 to R-4(C) to allow conversion of existing structures and construction of new apartment buildings at 310-324 Breezewood Drive and 100-104 Hartless Lane.

5. **Site Description.** The subject property is bounded to the north by commercial uses, to the east (across Breezewood Drive) by a funeral home and residences, to the south by residential uses, and to the west by residential and industrial uses.
6. **Proposed Use of Property.** The purpose of the CUP is to allow expansion of the existing parking lot to include an additional 170 spaces. The church currently has 424 spaces, plus 14 handicapped spaces.
7. **Traffic and Parking.** The City Traffic Engineer has determined that, due to the increased traffic from the parking lot, the church will be required to close permanently one of the driveways onto Breezewood Drive.
8. **Storm Water Management.** A storm water management plan will be required for the use of the existing structure as a church, because disturbed areas will exceed 1,000 square feet. The City's Environmental Planner has expressed concern about the size and maintenance of such a large stormwater pond facility. At this time, he has insufficient information about how much impervious area will be created to advise the petitioner about alternatives to the proposed pond.

9. **Impact.** The proposed parking lot expansion will be constructed as an extension of the existing parking lot. It will be screened from view on three sides, including Breezewood Drive, by a landscaped berm. The parking lot will also include shade trees.

The stormwater management detention pond is proposed to be constructed at the very edge of the church's property and adjacent to two single-family homes (to the east and south of the pond). The applicant has not indicated why the facility needs to be so large or why it will be located so close to another property. The City will require that the pond be screened with a vegetated buffer so that it is not visible from either home.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 22, 2004. Except for comments from the Environmental Planner relating to Stormwater Management (see #8 above) and the City Traffic Engineer relating to traffic (see #7 above), comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final site plan approval.
11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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#### **VI. PLANNING DIVISION RECOMMENDED MOTION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Heritage Baptist Church for a conditional use permit at 229, 239, and 329 Breezewood Drive for the expansion of an existing parking lot on a parcel zoned R-3, Two-Family Residential, subject to the following conditions:**

- 1. The property will be developed in substantial compliance with the site plan prepared by Hurt & Proffitt, Inc., dated June 28, 2004.**
- 2. A subdivision plat will be submitted and approved vacating all interior lot lines.**
- 3. The parking lot will be buffered with vegetation on three sides: east, south, and west. Cleared areas will be landscaped after the site is stabilized, with a mixture of deciduous and evergreen trees.**
- 4. As requested by the City Traffic Engineer, the church will close one existing entrance to the parking lot.**
- 5. Any lighting installed in the parking lot will be nondirectional and glare-shielded.**
- 6. The applicant will work with the Planning Division staff to reduce the size of the stormwater detention facility through the use of low impact development techniques.**

This matter is respectfully offered for your consideration.

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Ms. Judith C. Wiegand, AICP, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. James J. Vernon, Petitioner/Representative

## VII. ATTACHMENTS

### **1. Vicinity Zoning Pattern**

(see attached map)

### **2. Vicinity Proposed Land Use**

(see attached map)

### **3. Site Plan**

(see attached site plans)

## MINUTES FROM THE AUGUST 25 PLANNING COMMISSION MEETING

These minutes have been reviewed by, but not approved by, the Planning Commission

Petition of Heritage Baptist Church for a Conditional Use Permit at 229, 239 & 329 Breezewood Drive to allow the construction of a 170 space parking area in an R-3, Two-Family Residential District.

Ms. Wiegand explained that this petition was to add 170 parking spaces to an existing parking lot and the construction of a stormwater pond. She added that the petition agreed with the Comprehensive Plan in that the area was designated Community Commercial, and a church was compatible with those uses. She said the petition also agreed with the Zoning Ordinance in that a church and related facilities were permitted in residential zones with approval of a CUP. Ms. Wiegand noted that the Planning Division recommended approval of the CUP with conditions.

Mr. Jim Vernon, Craddock Cunningham Architectural Partners and member of Heritage Baptist Church, represented the petition. Mr. Vernon said the church had a growing congregation so there was a need for additional parking. He continued by saying that the additional parking was necessary because the funeral home across the street allowed the church to use their parking facilities on an as needed basis; however, he added, they found that they needed to use their parking lot every Sunday. He said with the traffic the church generated and the traffic generated by the residential development further down Breezewood Drive, it was not safe for their members to cross the street from the funeral home's parking. Mr. Vernon said the church's Master Plan, which had previously been approved by the City, showed a large amount of parking on the opposite end of their property. He explained that one condition of the Master Plan, dated 1998, stated that they could not begin construction of a new sanctuary until construction of the Breezewood Drive connection had begun.

Mr. Vernon explained to the Commission that their approved Master Plan showed an aesthetic pond that could also be used for stormwater retention. However, he said, the drawings never got to the Engineering Department, so sewer lines were installed through the site where the pond was to have been constructed. He said the pond could be constructed on the new section of property that they purchased and could be designed for the proposed parking lot addition as well as for their future expansion. Mr. Vernon commented that the church would be happy to reduce the size of the stormwater detention facility, which was another Condition requested in the Planning Division's report. He said they would be willing to work with the City if there were some alternative, less expensive ways to meet stormwater requirements.

Mr. Vernon requested that the Commission eliminate Condition 2, which stated that the church needed to vacate all interior lot lines. He said Annette Chenault, Planner II and Art Tolley, Zoning Officer both gave verbal assurance that the church would not have to vacate the lot lines. He said they would rather not have to pay for that expense.

Mr. Vernon explained that Mr. Keith Manual, Administrative Pastor of the Church, met with Mr. Gerry Harter, City Traffic Engineer, concerning the church's parking lot. Mr. Vernon said the church restricted the exits out of the parking lot and also paid to have police officers direct traffic on the Expressway after church services. He added that after Mr. Harter saw how the Church policed itself he agreed that the church did not need Condition 4 as noted in the Planning Division's report.

Ms. Wiegand said when the report was written Condition 2 came from Mr. Rob Fowler, Zoning Official, who reviewed the project for the TRC. She added that vacating lot lines was standard procedure for an owner of several adjoining parcels of property.

Mr. Vernon said they had several lot lines that had never been vacated.

Ms. Wiegand suggested leaving both Conditions in the motion to alleviate holding up the process at this meeting. She added that if the issues could be resolved before the Council meeting, then the Conditions could remain or be removed from the motion by the City Council.

Commissioner Flint commented that the sense of the Commission was that if the lot line vacation was not necessary, then the Commission would be willing for the Condition to be removed.

Commissioner Worthington asked if there would be a lot of water in the detention pond, and asked if the parking lot landscaping buffer would include the pond.

Mr. Vernon said the pond was designed to take the water out, and added that most of the time it would be a bowl of green grass. He said there was a requirement for buffering on three sides of the lot with a mixture of deciduous and evergreen trees. He said the church desired to let the area around the edges grow back into woods as much as possible.

Commissioner Flint said there was a permeable type of asphalt that could be put on the parking lot which would reduce the stormwater requirement. He added, though, that it was probably cost prohibitive.

Mr. Vernon said that type of asphalt was also hard for plows to remove snow from.

The Commission did not want to hold up voting on this petition, and indicated that Conditions 2 and 4 could be removed pending the decisions of Mr. Fowler and Mr. Harter.

Ms. Wiegand was able to get in touch with Mr. Fowler concerning Condition 2 in the recommended motion. Mr. Fowler responded that since a structure was not being constructed across the lot line, he was comfortable with dropping the requirement for vacating the interior lot lines at this time. Mr. Fowler warned, however, that if the church decided to build anything across the lot line, they would have to vacate the line at that time. Ms. Wiegand said based on Mr. Fowler's comments, Condition 2 could be removed from the recommended motion.

Mr. Gerry Harter came to the meeting and reported that he did resend Condition 4 in the recommended motion. He explained that his initial thought was to limit some access points from the church parking lots to Breezewood Drive. He said after visiting the site he determined that, based on their internal flow of traffic, it would probably cause more issues than it would help if they were to close an entrance. He said during their future expansion process the church would have to revisit their entrance points and work on any necessary traffic control at that time.

After discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Heritage Baptist Church for a conditional use permit at 229, 239, and 329 Breezewood Drive for the expansion of an existing parking lot on a parcel zoned R-3, Two-Family Residential, subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by Hurt & Proffitt, Inc., dated June 28, 2004.
2. The parking lot will be buffered with vegetation on three sides: east, south, and west. Cleared areas will be landscaped after the site is stabilized, with a mixture of deciduous and evergreen trees."

AYES:	Bacon, Dahlgren, Echols, Flint, Worthington	5
NOES:		0
ABSTENTIONS:		0





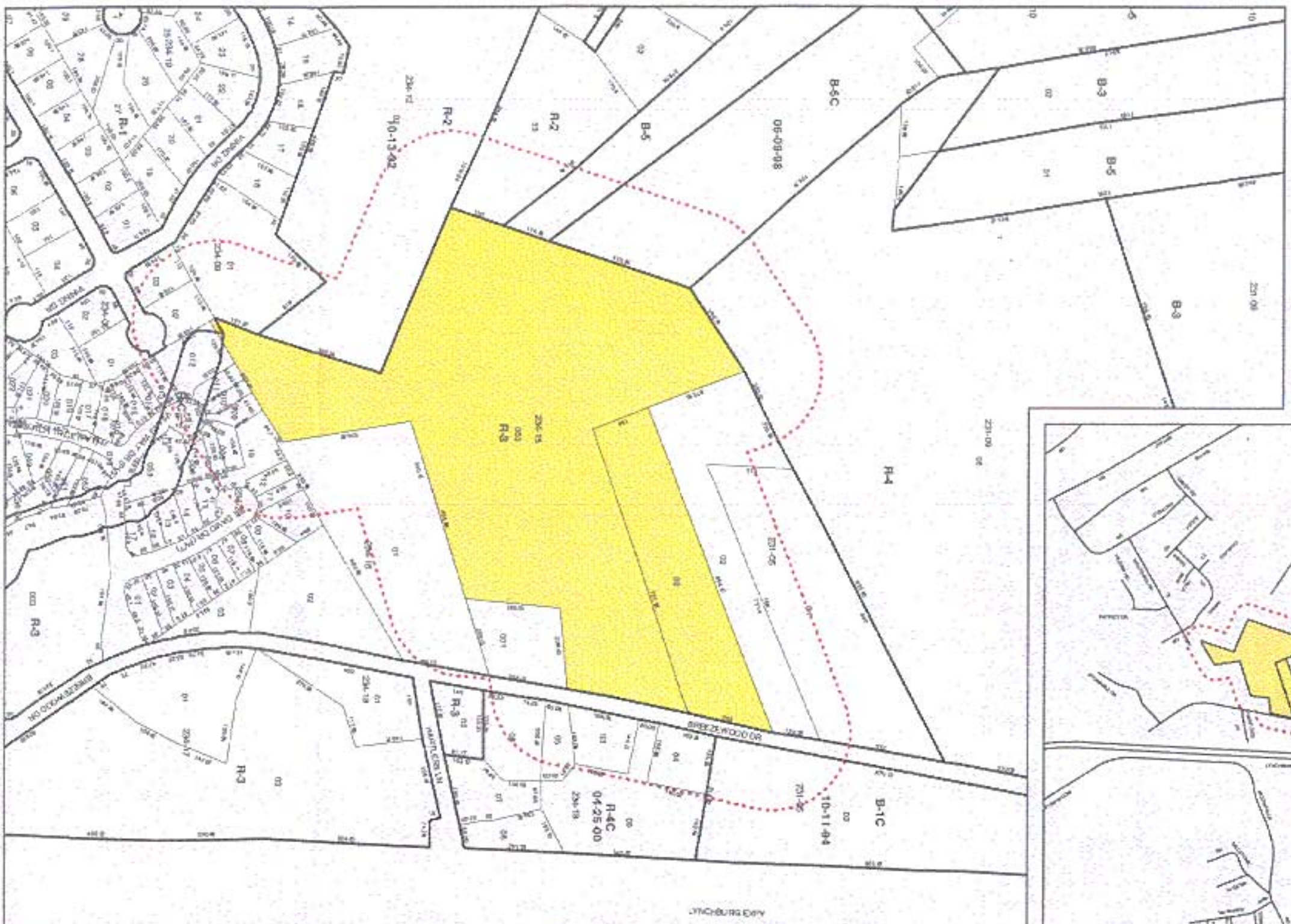
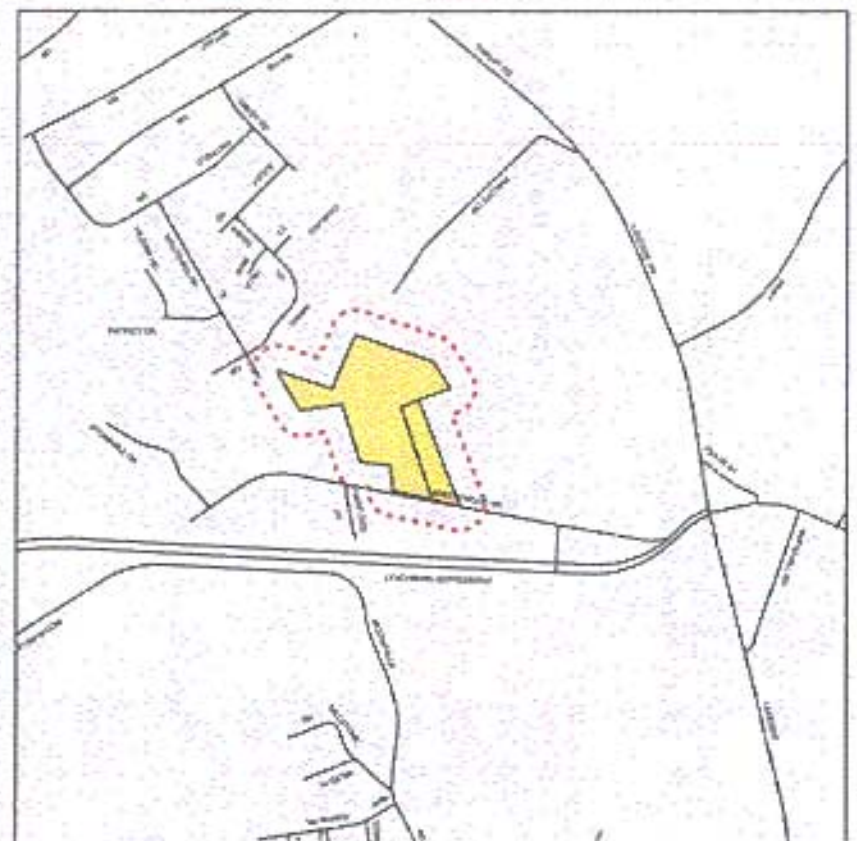
# HERITAGE BAPTIST CHURCH PARKING LOT

239, 329 Breckewood Drive  
Conditional Use Permit Request  
Pittsboro Heritage Baptist Church

MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



 Subject Property  
 200 ft Radius

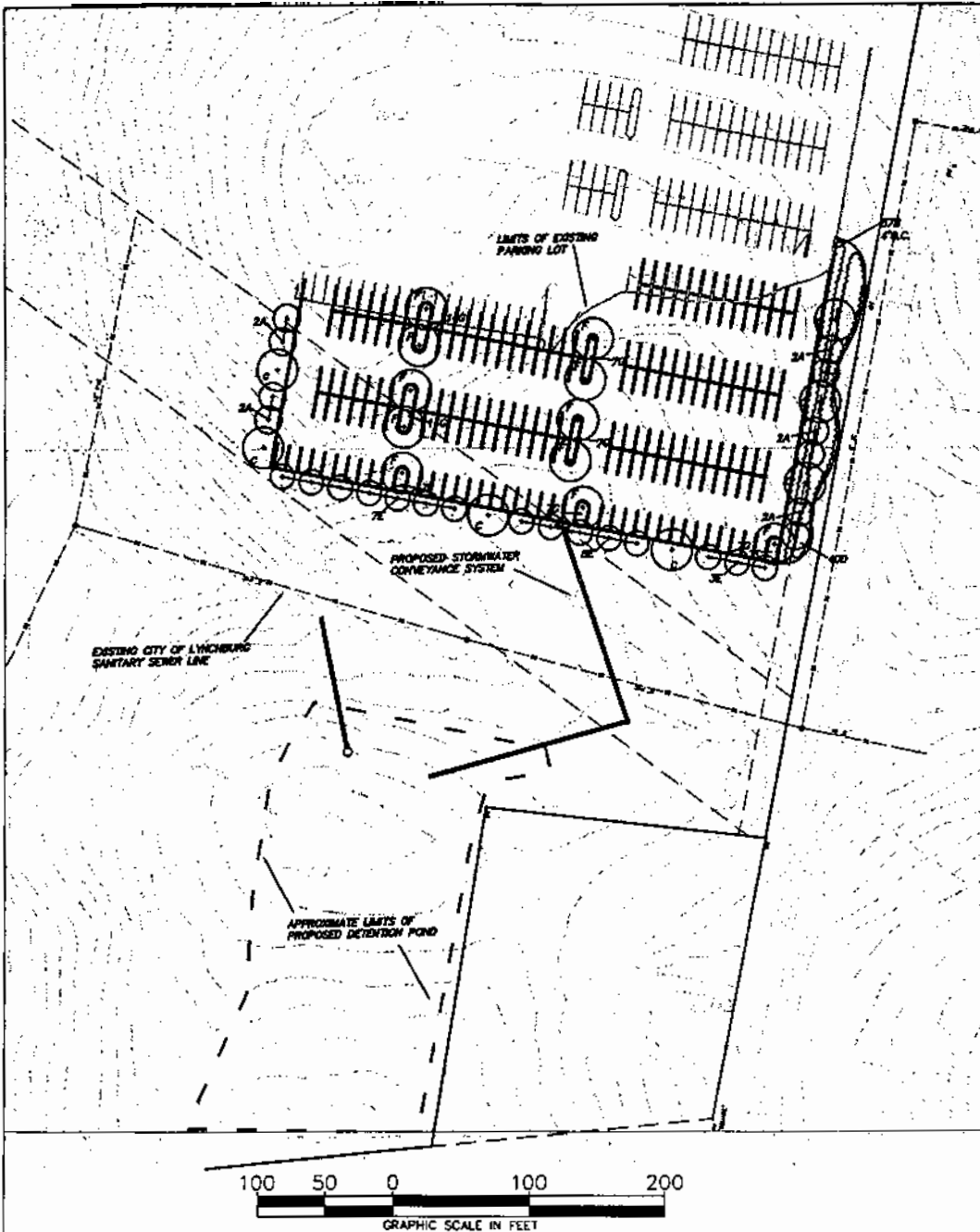






# HERITAGE BAPTIST CHURCH 239,329 BREEZEWOOD DRIVE LAND USE PLAN





PLANT LIST			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
A	CERIS CANADENSIS	REDBUD	12-15" CAL
B	ERANTHUS ALATA 'COMPACTA'	ORANGE BURNING BUSH	3 GAL
C	GLADIOLUS 'SHADOMASTER'	SHADOMASTER MONARDELLA	12-15" CAL
D	JANIPERUS CHINENSIS 'GOLD COAST'	GOLD COAST JAPANESE	3 GAL
E	MALUS 'PRINCEPI'	PRINCEPI CRABAPPLE	12-15" CAL
F	PIRUS CALLERYANA 'CLEVELAND SELECT PEAR'	CLEVELAND SELECT CALLERY PEAR	12-15" CAL
G	SPRAEA	SPRAEA (TO MATCH EXISTING)	3 GAL

#### NOTES:

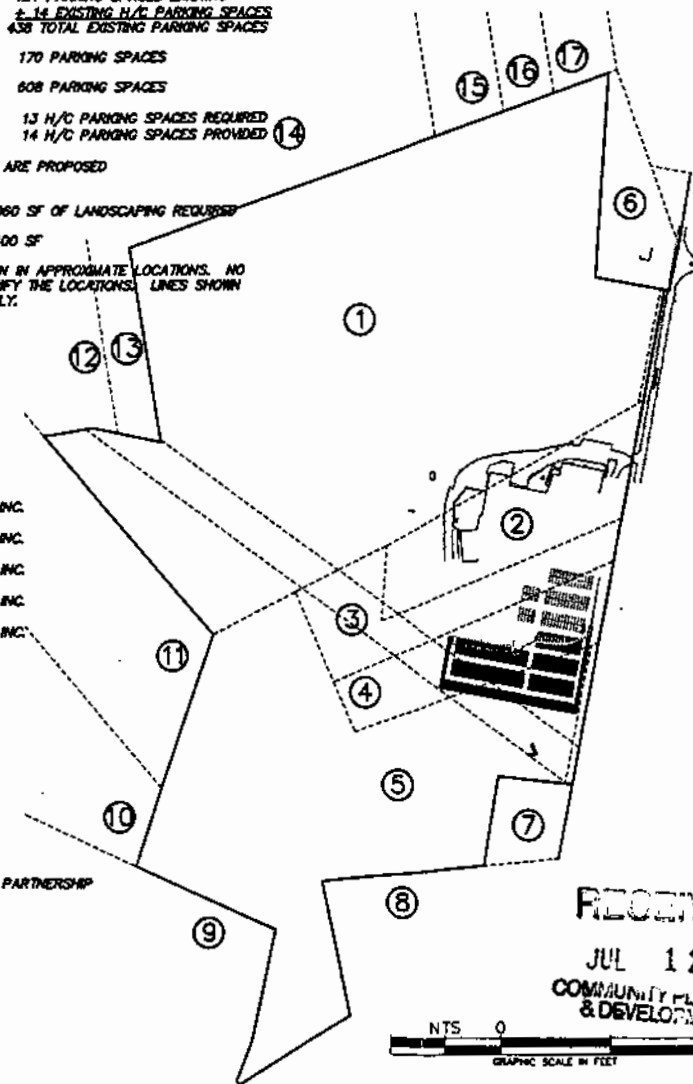
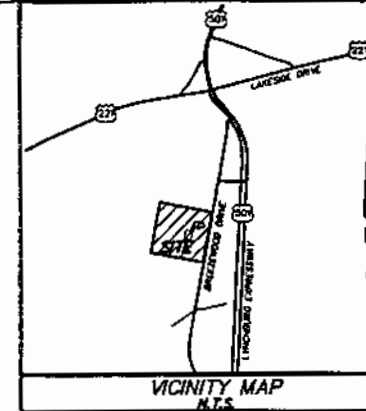
- TAX MAP # 234-15-003  
ZONED: R-3, REQUESTING CLP  
ADDITIONAL OWNER PROPERTY: 231-08-006, 231-05-001, 231-05-002, 234-15-002
- OWNER: HERITAGE BAPTIST CHURCH, INC.  
219 BREEZEWOOD DRIVE  
LYNCHBURG, VIRGINIA 24502  
PHONE: 434-237-6505 PASTOR KETH MANUEL
- EXISTING USE: UNDEVELOPED AREA  
PROPOSED USE: EXTENSION OF PARKING LOT  
PROPOSED SITE IMPROVEMENTS SHALL CONSIST OF THE CONSTRUCTION OF 170 ADDITIONAL PARKING SPACES TO AN EXISTING PARKING LOT AND CONSTRUCTION OF A STORMWATER DETENTION POND TO TREAT STORMWATER RUNOFF FOR IMPROVEMENTS.
- TOTAL IMPROVED AREA: 3.15 ACRES. (INCLUDES POND, LANDSCAPING, AND EXISTING PARKING RESTRIPPING)  
SITE AREA: 60.26 ACRES
- NO PROPOSED EXTERIOR LIGHTS. HOWEVER, IF THEY ARE ADDED: EXTERIOR LIGHTING SHALL BE GLARE SHIELDED & DIRECTIONAL TO PREVENT DIRECT ILLUMINATION OF ADJACENT PROPERTIES.
- PARKING SUMMARY:  

EXISTING:	424 PARKING SPACES EXISTING + 14 EXISTING H/C PARKING SPACES 438 TOTAL EXISTING PARKING SPACES
PROPOSED:	170 PARKING SPACES
TOTAL SPACES:	608 PARKING SPACES
PER ADA=	13 H/C PARKING SPACES REQUIRED 14 H/C PARKING SPACES PROVIDED (14)

THEREFORE NO NEW H/C PARKING SPACES ARE PROPOSED
- LANDSCAPE CALCULATIONS:  
80,400 SF PARKING X 15% = 9,060 SF OF LANDSCAPING REQUIRED  
PROPOSED LANDSCAPING: = 9,100 SF
- THE ADJACENT PROPERTY LINES ARE SHOWN IN APPROXIMATE LOCATIONS. NO FIELD WORK HAS BEEN CONDUCTED TO VERIFY THE LOCATIONS. LINES SHOWN FOR ADJOINING PROPERTY INFORMATION ONLY.

#### ADJACENT PROPERTIES:

- 231-08-006, HERITAGE BAPTIST CHURCH, INC.  
ZONED: R-4
- 231-05-001, HERITAGE BAPTIST CHURCH, INC.  
ZONED: R-3
- 231-05-002, HERITAGE BAPTIST CHURCH, INC.  
ZONED: R-3
- 234-15-003, HERITAGE BAPTIST CHURCH, INC.  
ZONED: R-3
- 234-15-003, HERITAGE BAPTIST CHURCH, INC.  
ZONED: R-3
- 231-08-019, ALVIN MAYBERRY  
ZONED: R-4
- 234-15-001, VERA WILLIAMS  
ZONED: R-3
- 234-16-001, WATSON FISHER  
ZONED: R-3
- 234-12-001, LOUIS MASON  
ZONED: R-2
- 234-14-003, NANCY NICHOLS  
ZONED: R-2
- 231-10-006, SOUTHERN AIR  
ZONED: B-5
- 231-10-002, CLARION INVESTMENTS, LLC.  
ZONED: B-3
- 231-10-001, SOUTHERN ACQUISITION LIMITED PARTNERSHIP  
ZONED: B-5
- 231-08-001, MAPLE HILLS INC  
ZONED: B-3
- 231-08-007, BRC CO. INC.  
ZONED: B-5
- 231-08-008, BRC CO. INC.  
ZONED: B-5
- 231-08-010, BRC CO. INC.  
ZONED: B-5



# CUP PLAN FOR HERITAGE BAPTIST CHURCH LYNCHBURG, VIRGINIA

PROJECT NO. 20040102  
G.L. NO. 229-13-B4.4  
FILE NO. LS-10441  
DATE: 06/28/04  
DRAWN BY: MDM  
CHECKED BY: MDM



# HERITAGE BAPTIST CHURCH

## Speaker Sign Up

August 25, 2004

**PLEASE PRINT**

[illegible]